

SENATE BILL REPORT

ESSB 5894

As Amended by House, April 10, 2007

Title: An act relating to clarifying regulatory authority for large on-site sewage systems.

Brief Description: Clarifying the regulatory authority for on-site sewage systems.

Sponsors: Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Rockefeller, Poulsen, Fraser, Oemig, Shin and Carrell; by request of Department of Health).

Brief History:

Committee Activity: Water, Energy & Telecommunications: 2/16/07, 2/21/07, 2/27/07 [DPS-WM, DNP].

Ways & Means: 3/05/07, 3/05/07 [DPS(WET)].

Passed Senate: 3/08/07, 39-8.

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: That Substitute Senate Bill No. 5894 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Marr, Morton, Oemig, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senator Holmquist.

Staff: Jan Odano (786-7486)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5894 as recommended by Committee on Water, Energy & Telecommunications be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Elaine Deschamps (786-7441)

Background: On-site septic systems or on-site sewage systems (OSS) are the most common methods of wastewater treatment for homes, commercial establishments, and other places that

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

are not connected to a public sewer system. An on-site sewage system consists of a network of pipes, a septic tank, and a drainfield, and provides subsurface soil treatment and dispersal of sewage. Properly functioning on-site sewage systems protect public health and the environment by preventing untreated wastewater from coming into contact with people, ground, or surface water.

On-site sewage systems are regulated and characterized by wastewater flows. Smaller on-site sewage systems are designed for flows up to 3,500 gallons per day (gpd). The State Board of Health promulgates rules for these systems and the local health jurisdictions have the authority for implementation and approval.

Large on-site sewage systems (LOSS) dispose of 3,500 to 100,000 gallons of wastewater per day. The Departments of Ecology (Ecology) and Health (DOH) have regulatory jurisdiction over large on-site sewage systems. Ecology and DOH have split jurisdiction over the management of LOSS disposing of 3,500 to 14,500 gpd; Ecology manages mechanical systems and DOH handles non-mechanical systems. Ecology has regulatory authority for all systems over 14,500 gpd.

Summary of Engrossed Substitute Bill: The DOH is required to establish comprehensive state-wide regulations of large on-site sewage systems. Large on-site sewage systems are defined as systems disposing of 3,500 to 100,000 gpd of wastewater and may include mechanical treatment. The DOH is authorized to regulate LOSS through permitting and oversight; establishing standards and rules for siting, design, construction, installation, operation, maintenance, and repair; and enforcing standards and rules. LOSS may not be used for treatment and disposal of industrial wastewater or combined sanitary sewer and storm water systems.

After July 1, 2009, an owner of a LOSS must have a permit issued by DOH. Prior to issuing a permit, DOH must ensure the system meets all applicable requirements. The permit must include conditions or requirements for system improvements and compliance schedules to ensure the LOSS is properly operated and maintained.

An owner of a LOSS permitted by Ecology must apply for an operating permit from DOH 180 days prior to the expiration date of the Ecology permit. All LOSS required to have an operator certified through Ecology must continue to do so.

The DOH must develop rules for large on-site sewage systems. The DOH is required to develop rules, in consultation with Ecology, to ensure that LOSS comply with the Clean Water Act requirements. The rules must ensure consistency with the Growth Management Act requirements for comprehensive plans and development regulations. In addition, the DOH must adopt rules to ensure adequate public notice and opportunity for review and comment on initial large on-site sewage system permit applications.

The State Board of Health authority for rulemaking regarding on-site sewage systems with flows less than 3,500 gpd is clarified.

A person who violates regulations regarding LOSS or on-site sewage systems is subject to penalties of not more than \$10,000 per day for each violation.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Water, Energy & Telecommunications): PRO: The bill clarifies and consolidates the regulations for on-site sewage regulations. It strengthens the program for public health and environmental protections. It provides for on-going oversight of the systems, including operation and maintenance. It resolves interagency issues.

OTHER: We support the consolidation of the programs between Ecology and Health. We need to make sure that the existing authorities from Ecology are maintained. The appeals process provided for under the licensing of health professionals is not a good fit and may limit notice, appeal, and public participation opportunities.

Persons Testifying (Water, Energy & Telecommunications): PRO: Gregg Grunenfelder, DOH; Melodie Selby, Department of Ecology; Jim Jesernig, Pacific Coast Shellfish Growers.

OTHER: Bruce Wishart, People for Puget Sound.

Staff Summary of Public Testimony (Ways & Means): PRO: We support this bill and note that the fiscal impact is included in the Governor's budget request.

Persons Testifying (Ways & Means): PRO: Greg Grunenfelder, DOH.

House Amendment(s): Clarifies that the Department of Health's civil penalty authority is for violations of large on-site sewage system regulations. The local health officer may issue a maximum civil penalty of up to \$1,000 per day for each violation.